

## SEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on March 14, 2006, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael Stiehl called the meeting to order at 9:30 A.M.

Michael J. Stiehl	Commissioner	Present
Edward H. Norden	Commissioner	Present
Larry Lasha	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Sharon Kendall, Deputy Clerk.

The Morning Prayer was given by Pastor Kirk Yamaguchi from Vineyard Christian Fellowship.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

### **APPROVAL OF AGENDA**

**Commissioner Norden** stated that following the Consent Agenda, he suggested they change the Consent Agenda to V (a) and add V (b) Staff and Elected Officials Reports V (c) Citizens Request to Speak. Item 4 under New Business to be Consideration of a Letter Regarding Private Prison Development. **Commissioner Stiehl** requested that Item 4 under New Business be Item 3 and move the Lone Eagle Subdivision to Item 4. **Commissioner Norden** moved to approve the Agenda as amended. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

### **CONSENT AGENDA**

**Commissioner Lasha** moved to approve the Consent Agenda:

1. Approval of Minutes February 28, 2006
2. Approval of Bills, March 14, 2006/\$965,182.19
3. LIQUOR LICENSES
  - ROYAL GORGE CO OF COLORADO
  - PO BOX 549
  - 4218 CR 3A
  - CAÑON CITY, CO 81212-0549
  - OPTIONAL PREMISES RENEWAL – MALT, VINOUS AND SPIRITUOUS LIQUORS
  
  - BUCKSKIN JOES REST & STAGE LINE INC
  - PO BOX 8
  - 1289 FREMONT CO RD 3A
  - CAÑON CITY, CO 81212-0008
  - HOTEL AND RESTAURANT LIQUOR LICENSE RENEWAL WITH OPTIONAL PREMISES – MALT, VINOUS AND SPIRITUOUS

### **SCHEDULING OF PUBLIC HEARINGS FOR APRIL 11, 2006 AT 10:00 A.M.**

#### **1. REQUEST: SRU 06-001 UPPER BEAVER CREEK RURAL FIRE PROTECTION ASSOCIATION**

Request for approval of a **Special Review Use Permit for the operation of a fire station and community building, file #SRU 06-001 Upper Beaver Creek Rural Fire**

**Protection Association, by Virginia A. Lindley-Brunn**, for property owned by Lauther-Phillips LLC and Jan Gould. The property is *located at the intersection of County Road #132, aka Upper Beaver Creek Road and Rimrock Terrace on the south side of County Road #132 and on the south and west sides of Rimrock Terrace, in the Upper Beaver Creek Area.*

The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**NEW BUSINESS:**

1. Staff/Elected Officials

**Norma Hatfield, Fremont County Clerk & Recorder**, submitted the Clerk's Report for the month of February and stated that the total revenues earned in the Clerk's Office was \$618,754.19, which was down by \$27,591.98 over a year ago. Sales tax collected was \$65,079.72, and that figure was up from a year ago by \$6,522.37. The portion of the \$646,000 that goes to the County for distribution to the various entities was \$392,966.78. That figure was down by \$25,254.07 compared to a year ago. **Commissioner Norden** moved to approve the Clerk's Report for February. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**Commissioner Norden** reported that they had about 60 people attend the Commissioner's Forum at Howard, and he thanked those people for braving the snow. He stated they met last week with the Finance Officer and insurance providers for Fremont County employee's health insurance pool. The summary from April 1, 2005 to the end of February, showed that there was a total funding of \$1.65 million that went into the self-insurance pool with total cost of \$1.1 million. There was a positive difference of \$546,000. He stated he thought that said good things about the way they are operating the self-insurance pool as well as good claim experience from employees. As a result of the good numbers, the Board decided that the premiums would remain the same. He also stated that on the March 28<sup>th</sup> Board meeting, they have on the Agenda a Public Hearing on some amendments to the Subdivision Regulations and the 23<sup>rd</sup> Amendment to the Fremont County Zoning Resolution. He encouraged people who have a concern to go on the website to look at the specific amendments. He stated that this was Sunshine Week marking the 40<sup>th</sup> anniversary of the Freedom of Information Act.

**Commissioner Lasha** stated that in regard to Clean-Up Month, Cañon City announced they have vouchers available at City Hall. The County has 175 vouchers to be handed out for residents of Fremont County to take one pickup load to the dump. Florence's clean-up week is the 17<sup>th</sup> through the 22<sup>nd</sup>. Penrose also has a clean-up period.

2. Citizens Not Scheduled: There were none.

**NEW BUSINESS:**

**RESOLUTION #22 – ESTABLISHING FEES FOR ENVIRONMENTAL HEALTH SERVICES AND INSPECTIONS OF RESTAURANTS**

**Sid Darden, Fremont County Environmental Health Officer**, stated that some of the fees that are charged for services related to restaurant inspections, are set by State statutes. There are other fees that come down to an hourly rate, and this resolution establishes an hourly rate for change of ownership inspections or consultation inspections. The hourly rate is actually decreasing, and everything else is pretty much the same. A fee schedule has never been formally adopted. **Commissioner Lasha** moved to approve **Resolution #22** establishing fees for environmental health services and inspections of restaurants. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried, and carried the adoption of **Resolution #22**.

**RECOMMENDATION FOR AWARD OF BID FOR CONSTRUCTION OF C4-DAM**

**Jack Effinger, County Surveyor**, stated that on March 10<sup>th</sup> the Commissioners received and opened bids for the C4 embankment restoration. They had four contractors who submitted bids, and two came in under budget. Mr. Effinger stated he went over computations, and all were prepared correctly. This project was designed, engineered and a portion funded by the National Resource Conservation Service. There is about \$660,000 available for the project. The low bidder was Kirkland Construction from Rye, Colorado in the amount of \$472,811.75. He stated he had prepared a Notice of Award for Kirkland. If the Board approves, he would send it out today. There is 180 days available for construction. **Commissioner Lasha** moved to recommend the award of bid for construction of C4-Dam to Kirkland Construction for the amount of \$472,811.75. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**CONSIDERATION OF LETTER OF INTEREST FOR PROPOSED PRIVATE PRISON IN FREMONT COUNTY**

**Commissioner Stiehl** stated there was a proposal before them to approve a private prison in Fremont County. He stated they felt there were enough potential benefits to the County, that it was worth considering. They have prepared a letter of interest, and Commissioner Stiehl read that letter in its entirety.

**Commissioner Norden** stated that the proposal by the GEO Company of Florida is proposing an alternate site along Highway 115 on the bluff north of Fremont Sanitation District's Rainbow Park Treatment Plant. This letter is to simply keep the issue on the table so they can submit their proposal to the Department of Corrections by next week, and then pursue the public meetings locally. **Commissioner Norden** moved to approve the mailing of the Letter of Interest. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**PUBLIC HEARING  
REQUEST: ZC 05-005 JEWETT ZONE CHANGE  
MARCH 14, 2006 10:00 A. M.  
RESOLUTION #23**

**Joseph Alessi, Alessi and Associates, Inc.**, stated that the property consists of five lots in the Dozier and McKenzie's Grandview Subdivision. Three of the lots are located on the north side of Adams Avenue and two are fronted along Highland Avenue. Currently there is a single-family dwelling and barn on Lot 30 and a single-family dwelling on Lot 29. These lots are approximately ten acres in size. This project would minimize any type of urban sprawl, and maximize the funds that have been invested. It would extend services for police, fire and emergency. Future property values of the area would be increased.

**Bill Giordano, Planning & Zoning Director**, stated that the notifications, posting and publication had been completed as required. At the Planning Commission meeting on February 7<sup>th</sup>, they did recommend approval with one contingency. He noted that all the property to the south and east is Department of Corrections, which is Ag-Living Zone District. This will require a resolution, if approved, and contain the finding and justification.

**Brenda Jackson, Fremont County Attorney**, stated she thought that this was not slated for this kind of density in 1995 when the rezoning occurred because there wasn't sewer in the area. Otherwise, it would have been zoned that way to begin with because this is the area where the County has always wanted to be encouraging the residential growth as an infill.

**Commissioner Stiehl** asked for anyone wishing to speak for or against to come forward.

**Christina McCullough, Grandview Resident**, stated she was against the zone change at this time. She submitted several letters from adjacent neighbors. She stated their concern was that it was too vague to jump into such a high density area. It would be nice to keep the area consistent to what they have. She stated that none of them had seen the posting.

**Russell Jewett**, stated all they wanted to do was build a pole barn. The zoning they had before required 50 feet away from the property line. There are no plans right now for any subdivision of any kind. If there is one, certainly a traffic plan would have to be made at that time. He stated he would like to see the 50 acres just develop into an estate.

**Commissioner Stiehl** closed the Public Hearing and returned to the Regular Meeting.

**Commissioner Lasha** moved to approve Zone Change 05-005 Jewett Zone Change with the justification with the sewer and water, there has not been a change in the area and is in conformance to the Master Plan. The criteria for consideration is that the proposed development will be in harmony and compatibly with the surrounding land uses and development in the area. He also included waiving Contingency Item 3 on the traffic analysis until there is actually a plan, and the adoption of **Resolution #23**. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried, and carried the adoption of **Resolution #23**.

**WAIVED:**

Traffic analysis to determine whether the streets are capable of handling the additional traffic that can be generated by the increased density. The increased traffic shall be based on the maximum density allowed by the Agricultural Suburban Zone District. **It was recommended that this contingency be deferred to the time of submission of a subdivision application.**

**JUSTIFICATION:**

The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area.

**FINDINGS:**

The proposed development will be in harmony and compatible with the surrounding land uses and development in the area.

**PUBLIC HEARING  
REQUEST: SRU 05-008 CINGULAR WIRELESS TOWER  
(WALKER PROPERTY)  
MARCH 14, 2006 10:00 A.M.**

**Marti Laird** stated he was speaking on behalf of Cingular Wireless. They are proposing the development of a 180-foot telecommunications tower on a 100 foot x 100 foot site on the Ron and Alidra Walker property. He stated they believe that this type of infrastructure is going to be increasingly important to the community. He stated he knew some of the concerns were in regard to lighting on the tower. The FAA regulations are extremely clear. If you are in a runway protective zone or if within 2 miles of the end of a runway, the FCC will review those developments. In this case, it does not apply. No lighting of any sort or painting of this tower will be required. They have notified the FAA of this site, and their turn-around time is roughly 60 days. The tower itself is a monopole and presents a much cleaner presence on the skyline.

**Bill Giordano** stated he had received letters from Regina Melcher, Gary Loftin and Frank and Alice Rossow. They have also received a petition and comments from Don Whiteledge, Paul Maye, Cheryl Massaro and Randy Carnivale. At the Planning Commission meeting on February 7<sup>th</sup>, the Planning Commission recommended approval

with 12 conditions and 9 contingencies. The Planning Commission waived the surfacing, lighting and landscaping. The posting and additional notifications have been completed. This would require a resolution, if approved, and would be prepared for the next meeting.

**Commissioner Stiehl** asked for anyone wishing to speak for or against to come forward.

**Paul Maye, Top Rail Ranch Resident**, submitted a written Neighborhood Request for Denial and submitted a letter from Cheryl and Bob Massaro. Mr. Maye's presentation included that the tower was totally incompatible with area land use, the environmental impact on the surrounding area, and the adverse economic impact on residents and County. Mr. Maye suggested other considerations such as looking at a more compatible alternative location. He suggested a site visit for verification of impact and a visit to the Air Force's Airburst Range. He requested that there be consideration to the public and adjacent landowners during Planning Commission reviews of special review use permits.

**Hans Miesler, 15<sup>th</sup> Street Resident**, stated he agreed with all of Mr. Maye's statements. He stated he was an airline pilot, and bought their lot because of the location and the view. Mr. Miesler stated that the tower would be directly in his view. As an airline pilot, he stated that when he sees a flashing light, it means an emergency and raises his level of anxiety.

**Robert Massaro, Pleasure Trail Resident**, stated that he concurred with Mr. Maye. He stated that the covenants state "all residents cannot do anything to diminish the views and the aesthetic quality of the community".

**Regina Melcher, 15<sup>th</sup> Street Resident**, stated that she was also speaking for her husband. She stated they did not appreciate the thought that there would be a strobe light continuously. She invited the Board to come to her house in the evening to see what the strobe lights from Holcim do.

**Mary Miesler, 15<sup>th</sup> Street Resident**, submitted pictures of their view now and what it would be like later.

**Roger Mounts, Topnotch Trail Resident**, stated he was opposed to the tower.

**Suzi Adamson, Fremont Avenue Resident**, stated she was the realtor for Top Rail Ranch Estates. She stated they did not receive any notification. She felt this would obstruct the views, and she agreed with everything Mr. Maye said.

**Phyllis Wells, 15<sup>th</sup> Street Resident**, stated she agreed with everything that had been said against the tower.

**Delores Maye, Pleasure Trail Resident**, stated she was speaking for a family member who couldn't attend. She stated she was concerned about the future impact that would be encountered, co-locating and bundling. She asked for denial.

**Chris Jenkins, R Street Resident**, stated he had not received a letter. He submitted pictures of the American Tower that have two levels of lights and a continuous strobe light. He stated he was in agreement with all the statements.

**Ron Walker, Owner**, stated that there would be no lights and Cingular had guaranteed him through the FAA regulations and County regulations, that it has to be over 200 feet. This tower is 180 feet, and would not have lights. He stated he was against the lights.

**Marti Laird** stated that they did not want to put a light on the tower. He stated he did not think that was documented in the lease, but he would be pleased to make an amendment. It would stipulate that if the tower needs to be lit, they would take it down. This is very positive progress, and subdivisions benefit by having cellular coverage. The applications

have been made to the FAA and the other agencies. Lighting is an expense that they do not want and viewed as a great negative.

**Commissioner Stiehl** closed the Public Hearing and returned to the Regular Meeting.

**Commissioner Lasha** stated that his opinion was the infrastructure for cellular towers is important, but a tower doesn't fit everywhere.

**Commissioner Norden** stated he came into this believing that a 180-foot tower ought to have a light. He stated he would have a difficult time thinking that kind of tower in those flat areas should not have some warning.

**Commissioner Stiehl** stated he was opposed to excess lighting. In the County's Master Plan, they talk about views for residents and visitors. He stated he believed it was their duty to protect those views, and that he was opposed.

**Commissioner Lasha** stated that the notification process needed to be improved because this information would have been helpful to the Planning Commission on their decision. He moved to deny SRU 05-008 Cingular Wireless Tower and stated that not every place is a good location for a tower, and this is probably not the location for it. The motion was seconded by Commissioner Norden. Commissioner Lasha stated that as a note from the County Attorney, he still stood by his motion but will set at the next meeting formal findings for denial. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**PUBLIC HEARING**  
**REQUEST: SRU 05-007 FAWN HOLLOW TRANSFER STATION**  
**MARCH 14, 2006 10:00 A.M.**  
**RESOLUTION #24**

**Angela Bellantoni, Environmental Alternatives, Inc.**, presented a DVD presentation of the proposed facility location.

**Commissioner Stiehl** stated that the applicant had requested they be allowed to go out of sequence because of someone who has a 1:00 P.M. appointment.

**Joe Forte, Cañon City Resident**, stated he was present on behalf of Portec, which has property adjacent to the proposed site. He stated he wanted to voice his support for the project. He stated the Howards keep a very neat, clean environment. The transfer station is nothing more than the ability to dump and separate the trash.

**Angela Bellantoni** stated this was an 80-foot by 80-foot metal building. The north side will be less than 50 feet. The front facing south on McDaniel Boulevard will have three 16 x 24 garage doors fully enclosed. Inside will be an attendant's office. The perimeter will have a 6-foot chain link fence. There is a power line that crosses the property, which makes it a bit challenging to place the facility. Mr. Howard hopes to place the building so that it is 50 feet from the edge of right-of-way. The operation is proposed to be open 6 days a week. All truck traffic will approach the site from the east, off of Forge Road. The expected tonnage is projected to be less than 100 tons. Mr. Howard has already committed to a street sweeping device, and his goal is to keep the waste dry. They agree to planting fast-growing shrubbery on the outside of the chain link fence. They have a water service agreement. Mr. Howard's plan is that at no time would any solid waste be left in the facility overnight.

**John Howard** stated he was a 45-year resident, has a family-owned business and are on their third generation. They have had a trash business for seven years and a rental business for 26 years. He stated he felt this facility was needed, and had done a lot of

research. The Fire Department, Police Department, and the Sheriff do not have a problem with the name of Fawn Hollow.

**Bill Giordano** stated that the notification, posting and publication had been done in accordance with the regulations. At the February 7<sup>th</sup> meeting, the Planning Commission did recommend approval with 11 conditions and there were 6 contingencies. The Planning Commission eliminated one because on #7 they did receive two letters from the Fire Department stating there is no objection to the application. They are going to hard surface all the parking area and the driveway into the property. The Planning Commission did not make any recommendation on the lighting and landscaping of the parking area. The Road Foreman had asked for deceleration lanes from both east and west. After consideration, he is only asking for a right-turn lane into the property from the east.

**Commissioner Stiehl** asked for anyone wishing to speak for or against to come forward.

**Robert Oldach, Colorado Springs Resident**, stated he was one of the owners of the development in Gold Canyon. He stated that he was concerned about the traffic, and was worried about the left turns coming out of his facility onto McDaniel.

**John Grieve, Colorado State Forest Service**, showed a CD presentation showing his property and the proposed facility. He stated he did support this issue, but his main concern was that they were not utilizing to the greatest capacity for the space. At some point down the road, someone else will be operating this facility.

**John Sauer, McDaniel Blvd. Resident**, stated he owned the property directly south of the proposed site. They already have traffic problems on McDaniel. He agreed it would be better to move the entryway further east. He stated he was basically in favor of this project, but his objection was the location.

**Bruce Redus, Fremont Economic Development Corporation**, stated he had toured the facility. With the Howard family and their commitment to Fremont County over the past 26 years, this gives a tremendous opportunity to support a homegrown operation. The capital investment in this project is roughly one million dollars in land purchase development, building and the fixed equipment. Mr. Howard has pledged to use local contractors and suppliers during the construction and operation.

**Helen Koch, S. 2<sup>nd</sup> Street Resident**, stated she had property just west of this facility, and they have no complaints.

**Vernon Thompson, Eagle Crest Dr. Resident**, stated this was in his backyard, but he did not have one bit of anything negative to say. He stated he believed Mr. Howard would do everything he says he will do. This is a facility that is needed and voiced support.

**Jim Martin, Barrett Street Resident**, stated he had known John for about 30 years, and he thought this would be a first-class operation and would remain so.

**Commissioner Stiehl** closed the Public Hearing and returned to the Regular Meeting.

**Commissioner Norden** moved to approve SRU 05-007 Fawn Hollow Transfer Station adding a contingency that the applicant pursue movement of the access far enough east that still meets the approval for adequate deceleration for a right-turn lane as approved by County Zoning and Road Department. He further added Condition #12 that should there be any damage to the metal building, the operator repair any damage to the metal structure and keep the doors operational. If there's any damage to the doors, those repairs be made and returned to operation within a 30-day period. The other contingencies and conditions remain. **Bill Giordano** clarified the motion as: Adding Condition #12 regarding damage to structure; Amend Contingency #6 and change it to Condition #13 regarding deceleration lane for west bound traffic; Adding Condition #14 regarding driveway

access; Contingencies #1, #2, and #3 remain the same; Contingencies #4 and #5 are waived; Contingency #7 is eliminated; Lighting and Landscaping are waived.

**RECOMMENDED CONDITIONS**

1. Special Review Use Permit shall be issued for life of use.
2. The Department of Planning and Zoning shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board of County Commissioners for their review as required by regulations.
3. Applicants shall conform to all plans, drawings and presentations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
4. Applicants shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments, and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
5. Applicants shall obtain and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
6. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the conditional use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.
7. If a Special Review Use is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
8. Days and hours of operation will be limited to Monday through Saturday, from 7 am to 5 pm, except in case of a community emergency, special hours will be arranged with the Board.
9. Trailer trucks hauling solid waste from the site for final disposal shall leave the site via McDaniels Blvd. Easterly to Fremont County Road #143 (aka Oak Creek Grade Road) northerly to Elm Avenue.
10. The County shall retain the right to modify any condition of the permit if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the applicant, at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.

11. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
12. If there is any damage to the metal structure or the metal doors, within thirty (30) days all repairs will be made to keep the structure and doors operational.
13. Deceleration lane for the westbound traffic into the site shall be constructed and accepted by the Fremont County Road Foreman prior to operation of the business. Plan and profiles for such construction approved by the County Engineer and Road District 1 Foreman.
14. Driveway access shall be located at the most eastern location of the property which will adequately allow for the construction of the deceleration lane. The construction of the deceleration lane shall be approved by the Fremont County Road Foreman prior to operation of the business.

**REQUIRED CONTINGENCIES:**

The following items shall be provided to the Department of Planning and Zoning, within six (6) months (*with no extensions*) after final approval by the Board of County Commissioners:

1. Copy of recorded deed if ownership is transferred prior to the recording of the Special Review Use Permit.
2. Documentation from the Colorado Department of Public Health and Environment that the Operation and Design Plan is in compliance with 6CCR 1007-2 Section 7 of the regulations governing transfer stations.
3. Documentation as to availability of water service. Proof of purchase of a water tap will be required at time of application for building permit.

**WAIVED:**

1. Buffering and landscaping along the property boundary zoned as R-1 in the City of Cañon City, as required by Section 5.2.6, Fremont County Zoning Resolution.
2. The requirement to rename the project to eliminate the reference to Fawn Hallow.
3. Lighting 5.3.3
4. Landscaping 5.3.4

The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, nay. The motion carried and carried the adoption of **Resolution #24**.

**PUBLIC HEARING  
REQUEST: ZC 05-006 BRILL ZONE CHANGE  
MARCH 14, 2006 10:00 A.M.**

**Matt Koch, Cornerstone Land Surveying**, stated they were requesting approval of a zone change from Agricultural Farming & Ranching to Travel Trailer Park & Campground. The park will have 30 trailer units and 15 tent sites. There will be a gravel road and lighting within the park. They are requesting the traffic study be waived.

**Bill Giordano** stated that the posting, notifications and publication had been completed as required. There were 10 contingencies, and #3 could be removed. The additional

notifications had been done. The Planning Commission denied the request for waiver of the fencing. The Department is recommending against this waiver.

**Commissioner Stiehl** asked for anyone wishing to speak for or against to come forward

**Peter Bond, Howard Resident**, stated he was opposed to this project. He had concerns about increased traffic, decrease in property values, and increase in dust and sand.

**John Beaton, Coaldale Resident**, stated he was opposed to this project and expressed concerns about devalue of property and the demand on water.

**Les Olson, County Rd 45 Resident**, submitted a letter from Jane and Arthur Levene who are opposed to the zone change. Mr. Olson also submitted pictures and stated this was a dangerous intersection, and was concerned about traffic.

**Doug Brill**, stated there had been no school bus accidents, the land is fenced and the Water Conservancy District saw no problem. There will be no ATV's.

**Commissioner Stiehl** closed the Public Hearing and returned to the Regular Meeting.

**Commissioner Lasha** moved to approve Zone Change ZC 05-006 Brill Zone Change. He stated his justification was that the proposed zone change would be in conformance to the Comprehensive or Master Plan for the area. The criteria is that the proposed development will be in harmony and compatible with the surrounding land uses and development in the area. Remove Contingency #3. **Commissioner Norden** seconded the motion but stated he wanted to change #10 that property should be screened by 6-foot opaque fence or 6-foot vegetation screen until such time as trees can be grown. **Commissioner Lasha** stated that #10 is actually #9 and accepted that change, but added that the trees be grown within 14 months or a 6-foot opaque fence would be installed. Add #10 to require documentation that existing well is adequate. Add #11 that a 5-wire barb wire fence be erected and maintained along BLM property. Additional Requirements as proposed. Traffic study and landscaping be waived. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, nay. The motion carried.

**REQUIRED CONTINGENCIES:**

The following items shall be provided to the Department of Planning and Zoning, within six (6) months (*with no extensions*) after final approval by the Board of County Commissioners:

1. Compliance with any drainage requirements as per reviewing engineer.
2. Compliance with any requirements of the Deer Mountain Fire Protection District.
3. All improvements shall be completed prior to recording of the zone change.
4. Acceptance of improvements from applicable agencies as follows:
  - a. Access and streets by County Road Foreman District #3
  - b. Certificate of occupancy for all buildings.
  - c. Approval of all sewage disposal improvements by the Environmental Health Office.
  - d. Documentation from Colorado Department of Public Health and Environment as to compliance with the Standards and Regulations for Campgrounds & Recreational Areas.
  - e. Acceptance of any improvements as required by the Deer Mountain Fire Department.
  - f. Approval and acceptance of the fire extinguishers in the service building.
5. Approved Fremont County driveway access permit.
6. The vicinity map shall be corrected, as the map provided is not an accurate representation of where the site is located.
7. The section corner designations noted on the site plan as the **S1/14** and the **SW 1/16** shall be corrected.

8. The zoning classifications for surrounding properties shall be corrected on the site plan.
9. The perimeter boundary of the Travel Trailer Park and Campground shall be screened by a six (6) foot vegetation screen, such as trees, shrubs and hedges, and will be grown to this height within fourteen (14) months. If the vegetation screen has not grown to a height of six (6) feet within fourteen (14) months, a six (6) foot opaque fence must be installed. Fence and setback areas shall be properly maintained by the owner.
10. Documentation, from the Colorado Division of Water Resources, that the existing well permit is adequate to serve thirty (30) trailer units and a Watchman's Quarters.
11. Erect and maintain a five (5) wire barb-wire fence along the entire length of the Bureau of Land Management (BLM) property.

**ADDITIONAL REQUIREMENTS:**

1. **5.3.2 Surfacing:** Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface unless waived by the Board. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed to prevent parking vehicles from extending over any lot lines. The Board of County Commissioners approved gravel surface for all roads and parking areas.

2. **5.3.3 Lighting:** All off-street business, commercial or industrial parking spaces may be required to be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties. The Board of County Commissioners approved lighting as proposed for entire site.

**WAIVED:**

1. A Traffic Impact Analysis.
2. 5.3.4 Landscaping

**NEW BUSINES (CONTINUED)**

**REQUEST: MS 05-010 LONE EAGLE SUBDIVISION**

**Matt Koch, Cornerstone Land Surveying**, stated this was a request for a 2-lot Minor Subdivision. Proposed Lot 1 has a manufactured home and a metal barn.

**Bill Giordano** stated that at the February 7<sup>th</sup> meeting, the Planning Commission recommended approval with 10 contingencies.

**Commissioner Lasha** moved to approve MS 05-010 Lone Eagle Subdivision and adding Contingency 11 that the final plat contain a statement that a dust suppressant will be used as needed and adding Contingency 12 that documentation be provided that the existing well permit is adequate for Lot 1. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

**REQUIRED CONTINGENCIES:**

The following items shall be provided to the Department of Planning and Zoning, within six (6) months (*with no extensions*) after final approval by the Board of County Commissioners:

1. Final plat and copies (*copies to be provided after recordation of the plat*) as required by the Fremont County Subdivision Regulations.
2. **Title Commitment:**
  - a. An updated title commitment issued within 30 days of recording of the final plat. An updated title commitment may result in additional requirements.
  - b. Copies of recorded releases of deeds of trust found under Reception Numbers 787268 and 795601 of the land records of Fremont County.

- c. Documentation from the Upper Arkansas Water Conservancy District that they have been notified of transfer of ownership pursuant to the terms of the Augmentation Certificate recorded May 20, 2002 under reception number 749364.
3. Compliance with any drainage requirements as per reviewing engineer.
4. A quitclaim deed to the County for a sixty (60) foot right-of-way, from the centerline of County Road #45, along the entire property frontage.
5. Compliance with any requirements of the Deer Mountain Fire Protection District. Documentation as to acceptance of improvements, if applicable.
6. Information adequate to enable the Department to compute addresses for proposed lots as per the Fremont County Subdivision Regulations (FCSR) Section XII.,I.,1.
7. Closure sheets for each lot and boundary of the subdivision.
8. Approval of the zone change to Travel Trailer Park and Campground or provide a 500 foot lot width, which is required in the Agricultural Farming & Ranching Zone District.
9. The vicinity map shall be corrected, as the map provided is neither an accurate representation of where the site is located nor the shape of the subject property.
10. The final plat shall be corrected by removing items 6, 7 and 8 from the Notes Statement.
11. Final Plat shall contain a statement that a dust suppressant will be used on interior roads on an as needed basis.
12. Provide Documentation from the Colorado Division of Water Resources, that the existing well permit is adequate for residence on Lot 1 (less than thirty-five (35) acre parcel).

**Commissioner Stiehl** adjourned the meeting at 3:10 P.M.

---

County Clerk